

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ALVERENE BUTLER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
	)	<b>CASE NO. 2:06-cv-00278-MEF-CSC</b>
<b>ALABAMA DEPARTMENT OF</b>	)	
<b>TRANSPORTATION, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
<b>STATE OF ALABAMA</b>	)	
	)	
<b>COUNTY OF MONTGOMERY</b>	)	

**AFFIDAVIT**

Before me, the undersigned Notary Public, personally appeared Stacey S. Houston who is known to me and who, being first duly sworn by me, deposes and states as follows:

“My name is Stacey S. Houston, and I am competent to testify to the matters contained herein based upon my personal knowledge. I am over the age of 19 years and am a resident of Elmore County, Alabama.

“I am Assistant Counsel at the State of Alabama, Department of Transportation. I have been employed with the State of Alabama for more than 20 years and was admitted to the Alabama Bar on September 28, 1984.

“I represented all Defendants in the above-styled cause along with co-counsel Jim R. Ippolito, Jr., R. Mitchell Alton, III, Harry A. Lyles, and George Robert Prescott, Jr.

“I hereby verify that the following costs were encumbered by the Defendants as set out in the Bill of Costs and the attached ‘Itemization and Documentation for Requested Costs’

**(Exhibit A):**

- Fees of the Clerk (appeal fees) (**Exhibit B**).....\$455.00
- Fees for Trial Transcript and Pre-trial conference (**Exhibit C**) .....\$1,937.60
- Fees for exemplification and copies of papers necessarily obtained  
for use in the case (see paragraph below) (**Exhibit A**).....\$1,105.50
- Other costs (depositions of Mark Waits, Karen Stacey, Todd Jackson, Kelvin  
Johnson, and Plaintiff Alverene Butler) (**Exhibits D and E**).....\$1,156.25
- Costs as shown on Mandate of Court of Appeals (**Exhibit F**) .....\$199.80

“Defendants submitted 251 copies of discoverable documents on Plaintiff’s counsel, for a total cost of \$125.50 (251 x \$.50). Additionally, Defendants submitted 140 copies of pleading submitted to the court at \$.50 per page for a total of \$70.00, in support of dispositive motions and in preparation for trial. These pleadings are itemized in Exhibit A.

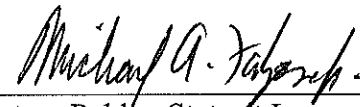
Additionally, Defendants submitted 10 sets of 182 pages of trial exhibits for a total of 1,820 copies at a total cost of \$910.00 (1,820 x \$.50). The ten sets of exhibits were prepared for the jurors (eight sets), Defense counsel (one set), and Plaintiff’s counsel (one set) and were introduced as evidence at trial.

Defendants also submit costs as shown on the Mandate of the Court of Appeals in the amount of \$199.00.

“The total costs incurred by the Defendants were **\$4,854.15.**”

  
STACEY S. HOUSTON

SWORN TO AND SUBSCRIBED before me on this 20<sup>th</sup> day of August, 2008.

  
Notary Public, State at Large  
My Commission Expires: 9/18/2010